

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD W. PETERS,

Plaintiff,

v.

C/O RAYMOND, et al.,

Defendants.

3:15-cv-00493-RCJ-WGC

ORDER

Plaintiff has filed a motion to extend time to file his amended complaint and a motion for a copy of his original complaint. (ECF No. 6, 7). On March 31, 2016, the Court issued its order dismissing Plaintiff's Fourteenth Amendment due process claim with prejudice, dismissing Plaintiff's Eighth Amendment deliberate indifference to his health and safety claim in part, as well as dismissing defendants correctional officer Brooks, Sergeant Miller, correctional officer Nicki Brooks, NNCC Warden Isidro Baca, Associate Warden Lisa Walsh, caseworker Hannah, NDOC Deputy Director Sheryl Foster, and John Doe correctional officer without prejudice, and permitting Plaintiff's Eighth Amendment deliberate indifference to his health and safety claim to proceed against defendant correctional officer Raymond. (ECF No. 4 at 8:18-28). The Court further ordered "that if Plaintiff chooses to file an amended complaint curing the deficiencies of his complaint, as outlined in this order, Plaintiff shall file the amended complaint within thirty (30) days from the date of entry of this order." (*Id.* at 9:6-8).

1 Plaintiff alleges that his copy of his original complaint, as well as his case notes, were
2 lost during a shakedown of his unit on April 20, 2016. Pursuant to Fed. R. Civ. P. 6(b)(1)(A),
3 the Court may extend the time for Plaintiff to file his amended complaint for good cause. See
4 *generally* Fed. R. Civ. P. 6(b)(1)(A) (the court may extend the time in which an act is to be
5 done for good cause).

6 The Court finds that there is good cause to extend the time for Plaintiff to file his
7 amended complaint, but not for ninety days, as requested in his motion. (ECF No. 6 at 1).

8 Accordingly, and based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's
9 motion for an extension of time to file his amended complaint (ECF No. 6) is GRANTED in part
10 and DENIED in part.

11 IT IS FURTHER ORDERED that Plaintiff shall have up to and including May 27, 2016,
12 to file his amended complaint.

13 IT IS FURTHER ORDERED that Plaintiff's motion for a copy of his original complaint
14 (ECF No. 7) is GRANTED. The Clerk of the Court shall send to Plaintiff the approved form for
15 filing a § 1983 complaint, instructions for the same, a copy of his original complaint (ECF
16 No. 5), and a copy of the Court's initial screening order (ECF No. 4). If Plaintiff chooses to file
17 an amended complaint, he must use the approved form and he shall write the words "First
18 Amended" above the words "Civil Rights Complaint" in the caption.

19 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended complaint
20 curing the stated deficiencies of the complaint, this action shall proceed on Plaintiff's Eighth
21 Amendment claim of deliberate indifference against defendant correctional officer Raymond.

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23 DATED: This 28th day of April, 2016.

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26 William G. Cobb
27 United States Magistrate Judge
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